

REMARKS

I. Status of the claims

In the Office Action, the Examiner noted that claims 13-24, 28-34, 48-55, and 66-69 are pending in the application, and that claims 13-24, 28-34, 48-55, and 66-69 are rejected.

By this Amendment, claims 13, 15, 17-22, 28, 31-33, 48, 50, 51, 53, 54, 66, and 67 have been amended, and new claim 70 has been added. Accordingly, claims 13-24, 28-34, 48-55, and 66-70 are pending in the application.

II. Objections to specification

The Examiner objected to the specification because the terms “FALC” and “FALL” were not consistently used. A substitute specification, including a marked up and a clean copy has been submitted with this amendment to address this objection. No new matter has been added. Per the Examiner’s suggestion, consistent terminology is now being used. In view of the changes to the specification, the Examiner is respectfully requested to withdraw this objection.

III. Claim rejections

A. Rejection of claims 50 - 55 under 35 U.S.C. § 101

In the Office Action the Examiner rejected claims 50 -55 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Applicants respectfully refer the Examiner to the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” (Interim Guidelines) published on November 22, 2005, as the latest agency guidelines on examination of applications for compliance with 35 U.S.C. § 101.

Independent claim 50 has been amended to include that the data structures are provided on “at least one computer readable medium” (support found at least at page 35, lines 18-22 of the specification). Applicants assert that the invention as claimed is functional descriptive material

since, amongst other things, it assists in managing a processing system (i.e., it “imparts functionality”). Moreover, according to the Interim Guidelines, “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” See, Interim Guidelines, Annex IV, p.52. Consequently, for the reasons set forth above, claims 50-55 define statutory subject matter, and reconsideration of these claims is respectfully requested.

B. Rejection of claims 13-24, 28-34, 48-55, and 66-69 under 35 U.S.C. § 103(a)

In the Office Action the Examiner rejected claims 13-24, 28-34, 48-55, and 66-69 under 35 U.S.C. § 103(a) as being unpatentable over SEMI Draft Doc. 2817 New Standard: Provisional Specification for CIM Framework Domain Architecture (the Document) in view of U.S. Patent No. 6,263,255 issued to Tan et al. (Tan). This rejection is respectfully traversed.

Although applicants disagree with the Examiner’s statements in the Office Action, to expedite the prosecution of this application, independent claims 13, 28, 48, 50, and 66 have been amended to include the feature of “a visual workflow component configured to execute at least one manufacturing process and at least one business process” (which is at least substantially the phrase inserted into the claims of the allowed parent patent application).

Generally, the Document describes an application framework for Computer Integrated Manufacturing (CIM) that focuses on resource management and communication between components. This reference does teach or suggest the feature of a “visual workflow component configured to execute at least one manufacturing process and at least one business process.” Tan generally teaches an implementation of an advanced process control (APC) system for process control that integrates various control systems. However, Tan also does not teach or suggest a “visual workflow component configured to execute at least one manufacturing process and at least one business process”. Accordingly, independent claims 13, 28, 48, 50, and 66 are patentably distinguishable from the prior art. Because claims 14-24 depend from claim 13, claims 29-34 depend from claim 28, claim 49 depends from claim 48, claims 51-55 depend from claim 50, and

Application No. 10/084092
Amendment dated April 13, 2006
Reply to Office Action of October 17, 2005

Docket No.: 4066 D1/consilium/consilium

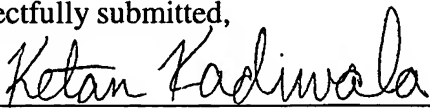
claims 67-69 depend from claim 66, these dependent claims are also patentability distinguishable from the cited prior art for at least the reasons argued above with respect to independent claims 13, 28, 48, 50, and 66. The Examiner is respectfully requested to withdraw this rejection.

In view of the above amendment, applicants believe the pending application is in condition for allowance.

Dated: April 13, 2006

Respectfully submitted,

By



Ketan Kadiwala, Reg. No. 57,725

WILMER CUTLER PICKERING HALE AND DORR LLP
The Willard Office Building
1455 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 942-8400
Attorneys for Applicant